

Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study.

(2) **CONTENTS OF REPORT.**—The report shall contain appropriate cost sharing options for the implementation of the project based on the use and possible allocation of any stored water.

(3) **USE OF AVAILABLE MATERIALS.**—In developing the report under this section, the Secretary shall use reports and any other relevant information supplied by the El Dorado Irrigation District.

(c) **COST SHARE.**—

(1) **FEDERAL SHARE.**—The Federal share of the costs of the feasibility study authorized by this section shall not exceed 50 percent of the total cost of the study.

(2) **IN-KIND CONTRIBUTION FOR NON-FEDERAL SHARE.**—The Secretary may accept as part of the non-Federal cost share the contribution such in-kind services by the El Dorado Irrigation District as the Secretary determines will contribute to the conduct and completion of the study.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000.

**SEC. 203. FOLSOM RESERVOIR TEMPERATURE CONTROL DEVICE AUTHORIZATION.**

Section 1(c) of Public Law 105-295 (112 Stat. 2820) (as amended by section 219(b) of Public Law 108-137 (117 Stat. 1853)) is amended in the second sentence by striking “\$3,500,000” and inserting “\$6,250,000”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. FRIST. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Wednesday, September 15, 2004, at 10 a.m., on “Impacts of Climate Change.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, September 15 at 9:30 a.m., to consider pending calendar business.

Agenda Item 1: S. Con. Res. 121—A concurrent resolution supporting the goals and ideals of the World Year of Physics.

Agenda Item 2: S. 437—A bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

Agenda Item 3: S. 511—A bill to provide permanent funding for the Payment in Lieu of Taxes program, and for other purposes.

Agenda Item 7: S. 1064—A bill to establish a commission to commemorate the sesquicentennial of the American Civil War, and for other purposes.

Agenda Item 9: S. 1354—A bill to resolve certain conveyances and provide for alternative land selections under

the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.

Agenda Item 12: S. 1462—A bill to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes.

Agenda Item 13: S. 1466—A bill to facilitate the transfer of land in the State of Alaska, and for other purposes.

Agenda Item 14: S. 1614—A bill to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System.

Agenda Item 15: S. 1649—A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

Agenda Item 16: S. 1678—A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes.

Agenda Item 17: S. 1852—A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

Agenda Item 18: S. 1876—A bill to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project.

Agenda Item 19: S. 2086—A bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines.

Agenda Item 20: S. 2142—A bill to authorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes.

Agenda Item 21: S. 2181—A bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

Agenda Item 23: S. 2334—A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System.

Agenda Item 24: S. 2374—A bill to provide for the conveyance of certain lands to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

Agenda Item 25: S. 2408—A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

Agenda Item 26: S. 2432—A bill to expand the boundaries of Wilson's Creek Battlefield National Park, and for other purposes.

Agenda Item 27: S. 2567—A bill to adjust the boundary of Redwood National Park in the State of California.

Agenda Item 28: S. 2622—A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historic Park in the State of New Mexico.

Agenda Item 31: H.R. 1113—To authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

Agenda Item 32: H.R. 1446—To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

Agenda Item 33: H.R. 1964—To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

Agenda Item 34: H.R. 2010—To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

Agenda Item 35: H.R. 3706—To adjust the boundary of the John Muir National Historic site, and for other purposes.

Agenda Item 36: H.R. 4516—To require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

In addition, the committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session on September 15, 2004, at 10 a.m., to consider favorably reporting S. 333, a bill to promote elder justice, and the nomination of Joey Russell George, to be Treasury Inspector General for Tax Administration, U.S. Department of Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 15, 2004, at 9:30 a.m., to hold a hearing on “Accelerating U.S. Assistance to Iraq.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON INDIAN AFFAIRS**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 15, 2004, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGE OF THE FLOOR**

Mr. KENNEDY. Mr. President, I ask unanimous consent that Stephen

Kosack, a fellow in my office, be granted the privilege of the floor during the remainder of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

On Tuesday, September 14, 2004, the Senate passed H.R. 4567, as follows:

H.R. 4567

*Resolved*, That the bill from the House of Representatives (H.R. 4567) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, namely:

### TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

#### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and for executive management of the Department of Homeland Security, as authorized by law, \$82,206,000: Provided, That not to exceed \$50,000 shall be available for allocation within the Department for official reception and representation expenses as the Secretary may determine.

#### OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), \$245,579,000: Provided, That of the total amount provided, \$65,081,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs to consolidate the Department's headquarters' operations.

#### DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, \$222,000,000, to remain available until expended.

#### OFFICE OF INSPECTOR GENERAL OPERATING EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$82,317,000, of which not to exceed \$100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

### TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

#### BORDER AND TRANSPORTATION SECURITY

#### OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation

Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), \$8,864,000.

#### UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), \$340,000,000, to remain available until expended.

#### CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$4,466,960,000; of which \$3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$40,000 shall be for official reception and representation expenses; of which not to exceed \$126,162,000 shall remain available until September 30, 2006, for inspection and surveillance technology, and equipment for the Container Security Initiative; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed \$5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of \$30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$12,725,000 shall be for activities to enforce laws against forced child labor in fiscal year 2005, of which not to exceed \$4,000,000 shall remain available until expended: Provided further, That of the total amount provided, not less than \$4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).

#### AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, \$449,909,000, to remain available until expended, of which not less than \$321,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3;

(2) complies with the Bureau of Customs and Border Protection's enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and

(5) is reviewed by the Government Accountability Office.

#### CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$91,718,000, to remain available until expended.

#### IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, \$2,413,438,000, of which not to exceed \$5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than \$102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than \$203,000 shall be for Project Alert; of which \$5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended; and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of \$30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$3,045,000 shall be for activities to enforce laws against forced child labor in fiscal year 2005, of which not to exceed \$2,000,000 shall remain available until expended: Provided further, That of the total amount provided for, not less than \$4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).

#### FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$662,900,000.

#### FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed \$478,000,000, shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

#### AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$39,605,000, to remain available until expended.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational